

To: HONORABLE MAYOR AND CITY COUNCIL.

FROM: Dave Maroney, Director of Economic Development and Planning.

SUBJECT: Bituminous Roadways, Progressive Rail and Ray Rapp Project.

DATE: October 16, 2015.

BACKGROUND.

On October 6th the City Council moved to deny the application from Bituminous Roadways, Inc., Progressive Rail, Inc. and Raymond Rapp requesting the rezoning of property that they propose to develop near the intersection of Fourth Street and Dakota Street West. In consultation with the City Attorney, Resolution No. 2158 has been prepared for your consideration on October 20th.

REQUESTED COUNCIL ACTION.

To deny the application for rezoning and the related Conditional Use Permits, the City Council should approve Resolution No. 2158.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NO. 2158

**RESOLUTION APPROVING FINDINGS OF FACT
AND DECISION DENYING REZONING AND CONDITIONAL USE PERMITS**

IN RE:

**Applications for Rezoning and
Conditional Use Permits**

FINDINGS OF FACT

AND DECISION

On October 6, 2015 and October 20, 2015 the Cannon Falls City Council met to consider a rezoning and conditional use permits for property described on the attached Exhibit “A” (“Subject Property”). The City Council considered the following information:

- Comprehensive Plan
- Zoning Ordinance
- Applications for Rezoning and Conditional Use Permits and supporting material
- Testimony from all interested persons wishing to speak

and based upon its knowledge of the community, now makes the following:

FINDINGS OF FACT

1. The following are before the City council: (i) Joint application of Bituminous Roadways, Progressive Rail, and Ray Rapp to rezone the Subject Property to I-2, General Industrial District, (ii) Application of Bituminous Roadways for a Conditional Use Permit to construct and operate a bulk storage facility for asphalt cement, and (iii) Application of Progressive Rail for a Conditional Use Permit to construct and operate a maintenance-of-way mechanical shop, equipment storage and repair facility.

2. The Subject Property is currently zoned I-1, Limited Industrial District and R-B Residential Business District. The uses for which the conditional use permits are sought are not allowed in the I-1 and R-B zoning district.

3. The Planning Commission, following published and mailed notice, conducted a public hearing on the applications for rezoning and conditional use permits on August 10 and September 14, 2015 and forwarded its recommendations to the City council.

4. In considering zoning ordinance amendments, Section 152.057 of the Cannon Falls zoning ordinance directs consideration of the possible effects of rezoning; five specific effects to be considered are listed. The five effects and our findings relating to them are:

a) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.

The proposed rezoning is not consistent with the Comprehensive Plan. Policy LU 22 of the Comprehensive Plan states that “manufacturing, production, storage warehousing, trucking and other businesses should be located in the industrial areas on the north side of the city.”

The projects described by Bituminous Roadways, Inc. as an “asphalt cement storage facility” and by Progressive Rail, Inc. as a “maintenance-of-way facility” should be located in the I-2, General Industrial District in the north Industrial Park rather than at the proposed location.

Part of the property subject to the application for rezoning is currently zoned I-1, Limited Industrial District. The purpose of the I-1, Limited Industrial District is to provide for less intensive types of industrial uses which, because of their proximity to residential areas, are less likely to impose objectionable influences such as noise, vibrations, dust, heat, smoke, odor and the like. The existing I-1 zoning, not the proposed I-2 zoning, provides for uses that are more compatible with the residential areas near the Subject Property.

b) The proposed use conforms with present and future land uses of the area.

The development projects proposed by Bituminous Roadways, Inc. and Progressive Rail, Inc. will not be compatible with existing residential land uses that are located in close proximity to the property requesting rezoning to the I-2, General Industrial District. The proposed projects would create truck and rail traffic, noise and odor. Progressive Rail, Inc. anticipates 350 train cars annually and Bituminous Roadways,

Inc. an estimated 15 trucks per day (seasonally) entering and leaving the proposed development property. The added traffic volume and associated noise, dust and diesel odors will negatively impact the surrounding residential neighborhood.

- c) **The proposed use conforms with all performance standards contained in this Chapter [zoning ordinance].**

The uses would be required to conform to the performance standard in the zoning ordinance.

- d) **The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.**

Changes to existing utilities would be required.

- e) **Traffic generation by the proposed use is within capabilities of streets serving the property.**

The Subject Property is accessed from Fourth Street which is in poor condition and does not have curb and gutter. The added traffic that would result from the proposed rezoning would further deteriorate the physical condition of Fourth Street and increase the need for storm drainage improvements.

DECISION

1. The application to rezone the Subject Property is denied.
2. The application for a Conditional Use Permit to construct and operate a bulk storage facility for asphalt cement is denied
3. The application for a Conditional Use Permit to construct and operate a maintenance-of-way mechanical shop, equipment storage and repair facility is denied.

ADOPTED this _____, 2015, by the City Council of the City of Cannon Falls.

CITY OF CANNON FALLS

BY: _____
Robby Robinson, Mayor

ATTEST:

Ron Johnson, City Administrator

